

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

JANE DOE 7

PLAINTIFF

V.

CIVIL ACTION NO. 3:14CV33-NBB-SAA

RUST COLLEGE, SYLVESTER
OLIVER, and DAVID BECKLEY
in his official capacity as President
of Rust College

DEFENDANTS

ORDER DISMISSING PLAINTIFF'S VICARIOUS LIABILITY CLAIM

Presently before the court is a motion by Defendants Rust College and David Beckley to dismiss Plaintiff's vicarious liability claim. Upon due consideration, the court finds that the motion is well taken and should be granted.

The court first notes that Plaintiff has not specifically asserted a vicarious liability claim against Defendants. For purposes of this ruling, however, the court will assume *arguendo* that Plaintiff's complaint contains such a claim. Plaintiff's only possible claim for vicarious liability would fall within its allegation that Defendants violated Title IX. The Supreme Court, however, has held that Title IX claims cannot be based on vicarious liability. *Gebser v. Lago Vista Indep. Sch. Dist.*, 524 U.S. 274 (1998). Consequently, any vicarious liability claim that Plaintiff may be attempting to assert is not viable.

The court, therefore, finds that Defendants' motion to dismiss Plaintiff's vicarious liability claim should be, and the same is hereby, **GRANTED**.

SO ORDERED AND ADJUDGED this, the 20th day of March, 2015.

/s/ Neal Biggers

NEAL B. BIGGERS, JR.

UNITED STATES DISTRICT JUDGE